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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,862	11/05/2001	Anne-Marie Kermarrec	MS171124.1/40062.163US01	5999
7590	11/19/2008		EXAMINER	
Timothy B. Scull Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			3627	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/992,862	KERMARREC ET AL.
	Examiner	Art Unit
	Ramsey Refai	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-7,20,22-25 and 30-49 is/are pending in the application.
 4a) Of the above claim(s) 30-39 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5-7,20,22-25 and 40-49 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed August 7, 2008. Claims 1, 2, 5-7, 20, 22, 24-25 have been amended. Claims 4, 21 and 26 have been canceled. Claims 40-49 are new. Claims 1-3, 5-7, 20, 22-25, 40-49 are pending.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 20, 22-25, 43-45, 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Flanagan (US 5,506,838).

4. As per claim 1, Flanagan teaches a method of disseminating information to a plurality of nodes, the nodes connected in a network environment, said method comprising:

receiving, at a first node, a disseminated message, the message having broadcast- type information; for the first node, creating a partial view, wherein the partial view is specific to the first node and resides locally to the first node, and identifies any two or more but less than all

nodes on the network such that the nodes are connected and distributed across the network and such that the partial view comprises address information for at least one of the nodes in the partial view, wherein the number of nodes identified in the partial view is determined in order to provide a determined probability of the message being sent to all nodes; evaluating the received message; determining if the received message has been previously received by the first node; and if the received message has not been previously received, delivering the message to only nodes identified in the partial view of the first node (**see at least column 2, lines 18-64, fig 5, abstract**).

5. As per claim 2, Flanagan teaches wherein the act of delivering the message further comprises delivering the message to a subset of all nodes identified in the partial view (**see at least column 2, lines 35-64**).
6. As per claim 3, Flanagan teaches wherein each node in the network maintains a partial view (**see at least column 2, lines 35-64**).
7. As per claim 5, Flanagan teaches if the message has been previously received, then not delivering the message to any other node identified in the partial view (**see at least fig 5**).
8. As per claim 6, Flanagan teaches the act of storing identification information related to the received message to enable the determination of whether the message has been previously received (**see at least fig 5, column 2, lines 35-51**).
9. As per claim 7, Flanagan teaches determining whether the message is a broadcast-type message; and if the message is not a broadcast-type message, then not delivering the message to any other node identified in the partial view (**see at least fig 5, column 2, lines 35-51**).
10. As per claim 43, Flanagan teaches wherein the partial view comprises status information for at least one of the nodes in the partial view (**see at least column 3, lines 10-25, column 1, lines 25-45**).

11. As per claim 44, Flanagan teaches wherein the partial view comprises lifetime value information for at least one of the nodes in the partial view (**see at least column 3, lines 10-25**).

12. As per claim 45, Flanagan teaches wherein the act of gossiping further comprises: receiving a broadcast-type message; and delivering the received message to a subset of all nodes identified in the partial view (**see at least column 5, line 31-column 6, line 21**).

13. As per claims 20, 22-25, and 47-49, these claims contain similar limitations as claims 1, 2, 43-45 above and therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 40-42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan in view of Fujiwara et al (US 5,471,580).

16. As per claims 40-42 and 46, Flanagan teaches wherein the partial view has a defined size (**see column 2, lines 35-65**) but fails to teach *wherein the size of the partial view is determined by one from the group consisting of log(n) and log(n) multiplied by a predetermined value, wherein n relates to the number of nodes in the network and log refers to the natural logarithm*. However, in the same field of endeavor, Fujiwara et al teach a route discovery using the logarithm of the number of nodes (**see at least column 14, line 15-column 15, line 15**). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine Flanagan and Fujiwara et al because doing so would allow for a routing table in Flanagan to be created using the logarithm method shown in Fujiwara et al.

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892). Any inquiry concerning this communication or earlier communications from the examiner should be directed

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to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
November 16, 2008
/R. R./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627